



# 2021 LEGISLATIVE CONSIDERATIONS

FREDERICK COUNTY GOVERNMENT

November 18, 2020



County Executive Jan Gardner



# FREDERICK COUNTY GOVERNMENT

## OFFICE OF THE COUNTY EXECUTIVE

Jan H. Gardner  
County Executive

*Rick Harcum, Chief Administrative Officer*

### **Legislative Calendar 2020 - 2021**

Date	Activity
Wednesday, July 29, 2020	Seek legislative ideas by letter to 80 organizations, agencies, boards, commissions
August 11, 2020	Overview of proposed legislative process/request legislative ideas and proposals from the County Council
Thursday, August 27, 2020 (10 a.m.)	Ask for input and legislative specifics from municipal leaders - Mayors/Burgesses meeting
Tuesday, September 29, 2020	Receive legislative initiatives from the County Council
Thursday, October 8, 2020 (7:00 p.m.)	County Executive to host a Town Hall meeting (location TBA) on proposed 2021 General Assembly Legislative Package – County Council invited to attend
First week of November	Finalize 2020 Legislative Package
Wednesday, November 18, 2020 (1 p.m. – 2 p.m.)	Meeting with Frederick County Delegation (location TBA)
Saturday, December 5, 2020 (10 a.m. - Noon)	Delegation Public Hearing (location TBA)
Wednesday, January 13, 2021 (Noon)	First day of the 2021 session of the Maryland General Assembly

Updated October 27, 2020

## Proposed Legislation

County Executive  
Proposed Legislation

**Transparency in Home Buying**  
**(Contract Lien Act)**

The proposed legislation would amend current law to provide protections for home buyers in Frederick County to ensure fair and transparent pricing and prohibit misleading pricing practices. The proposed amendment to state law would prohibit home builders or developers constructing and selling new homes in Frederick County from passing on County infrastructure costs, including roads, water and sewer, and any requirements of development as separate charges to homebuyers in the form of liens.

A resident and recent new homebuyer raised concern about a special assessment she was required to pay for twenty years for the stated purpose of Frederick County water and sewer connection and system maintenance. She contacted the county about this fee and it was not a fee assessed by the county but rather a lien agreement requiring the homebuyer to pay an extra fee each year for 20 years to the builder/developer to cover the cost of water and sewer. It is reasonable for a homebuyer to expect that water and sewer will be included in the price of their home. This homebuyer complained that she was actually paying \$9,000 more for her home than the sales price as a result of this special assessment and that is factually accurate.

This section of state law allows for assessment of condominium or homeowner association fees. These types of special assessments have not been used before in Frederick County.

This bill, as proposed, would protect homebuyers from misleading assessments and assure transparency and accurate pricing of new homes.

(House Bill \_\_\_\_)

AN ACT concerning

**Real Property - Miscellaneous Rules - Maryland Contract Lien Act**

FOR the purpose of

BY adding to

Article - Real Property

Section 14-202(c)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the laws of Maryland read as follows:

**Article - Real Property**

(a) **In general.** -- A lien on property may be created by a contract and enforced under this subtitle if:

- (1) The contract expressly provides for the creation of a lien; and
- (2) The contract expressly describes:
  - (i) The party entitled to establish and enforce the lien; and
  - (ii) The property against which the lien may be imposed.

(b) **Lien as security.** -- A lien may only secure the payment of:

- (1) Damages;
- (2) Costs of collection;
- (3) Late charges permitted by law; and
- (4) Attorney's fees provided for in a contract or awarded by a court for breach of a contract.

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EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.

(C) (1) NO LIEN IS CREATED UNDER THIS SUBTITLE IF ANY DOCUMENT INTENDED TO ESTABLISH A LIEN INDICATES THAT THE LIEN IS BEING USED TO SECURE A LOCAL GOVERNMENT TAX, FEE, ASSESSMENT, OPERATING COST OR SIMILAR CHARGE, OR COSTS RELATED TO REQUIREMENTS OF DEVELOPMENT.

(2) THIS SUBSECTION DOES NOT APPLY TO ANY LIEN A LOCAL GOVERNMENT INTENDS TO CREATE.

(3) THIS SUBSECTION APPLIES ONLY TO FREDERICK COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.

County Executive  
Proposed Legislation

**Protecting Public Employees' Information**  
**(Public Information Act – Salary or Wages of Public Employees)**

This bill would protect certain categories of county employees from risks and threats associated with identity theft and fraud by amending and updating the Maryland Public Information Act to adequately protect certain categories of public employees' personal information while continuing to meet the intent of the Act to ensure transparency in government.

Data mining companies regularly submit public information act requests to Frederick County Government for a list of employee names and exact salaries. This information is then likely sold to other companies for a variety of purposes.

This specific personal information increases the risk of identity theft. The proposed legislation would protect most merit based employees by providing the salary range for each employee's grade rather than their specific or exact salary. This would provide transparency for public spending. There is less public interest in the specific salary of employees who work in merit based jobs whether it is on a highway crew, at the landfill, or in an administrative position. At will employees hired by the County Executive and the County Council including division directors would be excluded and specific salaries provided because there is greater public interest in the salaries of these appointed positions.

When the Maryland Public Information Act was originally passed, data mining and identity theft were not likely considered.

This proposal strikes an appropriate balance between the need to ensure transparency in government and protect dedicated public servants from identity theft.

(House Bill \_\_\_\_\_)

AN ACT concerning

**General Provisions – Public Information Act – Salary or Wages of Public Employees**

FOR the purpose of

Protecting the salary information of public employees from disclosure

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4-101

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4-336

Annotated Code of Maryland

(2019 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That  
the laws of Maryland read as follows:

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EXPLANATION: CAPITAL OR UNDERLINING INDICATE MATTER ADDED TO EXISTING  
LAW.

[Brackets] indicate matter deleted from existing law.



## Article – General Provisions

### 4-101. Definitions

- (a) **In general.** -- In this title the following words have the meanings indicated.
- (b) **Applicant.** -- "Applicant" means a person or governmental unit that asks to inspect a public record.
- (c) **Board.** -- "Board" means the State Public Information Act Compliance Board.
- (d) **Custodian.** -- "Custodian" means:
  - (1) the official custodian; or
  - (2) any other authorized individual who has physical custody and control of a public record.
- (e) **News media.** -- "News media" means:
  - (1) newspapers;
  - (2) magazines;
  - (3) journals;
  - (4) press associations;
  - (5) news agencies;
  - (6) wire services;
  - (7) radio;
  - (8) television; and
  - (9) any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.

(f) **Official custodian.** -- "Official custodian" means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

(g) **Person in interest.** -- "Person in interest" means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

(h) **Personal information.** –

(1) "Personal information" means information that identifies an individual.

(2) Except as provided in § 4-355 of this title, "personal information" includes an individual's:

- (i) name;
- (ii) address;
- (iii) driver's license number or any other identification number;
- (iv) medical or disability information;
- (v) photograph or computer-generated image;
- (vi) Social Security number; and
- (vii) telephone number.

- (3) "Personal information" does not include an individual's:
  - (i) driver's status;
  - (ii) driving offenses;
  - (iii) five-digit zip code; or
  - (iv) information on vehicular accidents.

(i) **Political subdivision.** -- "Political subdivision" means:

- (1) a county;
- (2) a municipal corporation;
- (3) an unincorporated town;
- (4) a school district; or
- (5) a special district.

(j) **Public record.** –

(1) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

- (ii) is in any form, including:
  - 1. a card;
  - 2. a computerized record;
  - 3. correspondence;
  - 4. a drawing;
  - 5. film or microfilm;
  - 6. a form;
  - 7. a map;

8. a photograph or photostat;
9. a recording; or
10. a tape.

(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision~~[], EXCEPT AS PROVIDED IN SECTION 4-336(b).~~

(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

### SUBTITLE 3: DENIALS OF INSPECTION

#### 4-336. Financial information

(a) **Scope of section.** -- EXCEPT AS SET FORTH IN SUBSECTION (b), ~~[T]~~this section does not apply to the salary of a public employee.

(b) **In general.** -- Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, ~~[or] creditworthiness[],~~ OR, IN THE CASE OF FREDERICK COUNTY, THE SALARY OR WAGES OF A PUBLIC EMPLOYEE OF FREDERICK COUNTY; PROVIDED, HOWEVER, THAT A CUSTODIAN MAY PROVIDE (A) THE PAY GRADE OF ANY SUCH EMPLOYEE AND (B) THE SALARY OR WAGES OF ANY EMPLOYEE WHO HAS BEEN DESIGNATED BY THE COUNTY EXECUTIVE AS AN EXEMPT PURSUANT TO § 3- 101(H)(3)(VIII) OF THE MARYLAND OPEN MEETINGS ACT.

(c) **Required inspection for person in interest.** -- A custodian shall allow inspection by the person in interest.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

\_\_\_\_\_, 2021.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.

County Council  
Proposed Legislation

**Proposed Amendment to Maryland State Law  
To Provide for Limited Special Elections to  
Fill Vacancies on the Frederick County Board of Education**

In the face of increasing threats related to identify theft and other fraud, the proposed legislation would amend and update the Maryland Public Information Act to adequately protect certain categories of Frederick County public employees' personal information, while meeting the intent of the Act in providing transparency in government.

The Frederick County Council requests the Frederick County Delegation to support legislation authorizing a vacancy on the Frederick County Board of Education to be filled by a vote of Frederick County's residents.

**The Current Process**

Vacancies on the Board of Education are currently filled by an appointment-based process, whereby the County Executive appoints a replacement, and the County Council confirms the appointment. Appointments are a necessary component to fill a vacancy in this office; however, it should not be the ONLY component. The Board of Education is composed of elected officials with a tremendous amount of authority over both taxpayer funds and the education of our children. The voters should have a voice in this process.

**What is being Proposed in this Amendment**

This proposal is to enable the voters to choose a replacement for a vacancy on the Board of Education. The legislative request does not propose that an election be held any time a vacancy occurs. Rather, the request suggests that Frederick County take advantage of the fact that during the mid-term of every elected board member's term, there is an existing election – either Presidential or Gubernatorial – which can be utilized to fill the vacancy.

This has practical implications for when a vacancy will trigger an election. Specifically, the vacancy must occur early enough for candidates to register for the election. More specifically, the vacancy should occur no later than 30 days prior to the Primary registration deadline following the vacating board member's last election.

In answering the question of why not have an election whenever we need one? The simple answer is cost. A "one-off" election has been estimated to cost \$250,000-\$300,000. What if we needed to do more than one during a four-year term? That starts to add up.

## **How Would the Special Election be Conducted**

In response to a question during the initial Council review, consultations were held with the Frederick County Election Director and the State Board of Elections. Under current State Election law, during a non-partisan primary such as the one held for the Board of Education, twice as many candidates as there are open seats are nominated from the Primary Election. Thus, whenever a special election is needed to fill an unexpired term, two additional nominees will come from the Primary. No changes are required in this part of the law.

For the General Election, the State Board of Elections concurred with the idea that the winner of the special election is the next highest vote getter, after the regular Board of Education openings have been filled. For example, if there are four full-term openings on the ballot and one partial term, then the fifth highest vote-getter receives the partial term. Language has been added to the bill to reflect this information.

## **Special Elections are Authorized in Maryland Law**

Maryland law authorizes Counties to hold special elections conducted during regularly scheduled elections to fill vacancies for Board of Education. The State Education Article for Frederick County (Title 3, § 5B-01(d)(2), on the other hand, must be amended to provide this option.

## **Other Charter Counties Authorize Special Elections**

As provided by the Frederick County Election Director, the term “special election” is actually a misnomer, but is used here to refer to the filling of a vacancy via the next scheduled election.

The process for filling vacancies on the Boards of Education for Maryland’s charter counties varies greatly, including the following:

### Appointment Authority

- Governor – Baltimore, Cecil, Harford (for appointed members only), Talbot
- County Executive – Frederick, Howard, Prince Georges
- County Council – Anne Arundel (effective 11/1/2020), Harford (for elected members only), Dorchester, Wicomico
- Board of Education - Montgomery
- Nominating Commissions for Appointments – Anne Arundel, Baltimore, Wicomico
- Special Elections (next congressional election) – Howard, Talbot, Wicomico

As you may note, there is just as much precedent for vacancies to be filled by election, as there is for our current system of appointment by the County Executive.

## **There is Still a Role for Appointments**

Finally, an appointment-based process is still needed. The County will need to make an interim appointment prior to the outcome of a special election. The appointee will serve until the first convened meeting of the Board of Education in December. Additionally, if a vacancy occurs after the deadline, then the County will need to appoint someone to fill the remainder of the vacating member’s term.

# SENATE BILL 316

F3

0lr2452  
CF HB 410

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By: **Senators Hough and Young**

Introduced and read first time: January 22, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 29, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Frederick County Board of Education – Vacancies**

3 FOR the purpose of altering the method for filling a vacancy on the Frederick County Board  
4 of Education; specifying that an individual appointed to fill a vacancy serves for the  
5 remainder of a certain term and until a successor is appointed and qualifies except  
6 that under certain circumstances the individual serves only until a successor is  
7 elected at the next general election; specifying how certain positions are to be filled  
8 at a general election; establishing the manner for nominating candidates for vacated  
9 offices; establishing the term of an individual elected to fill a vacated position; and  
10 generally relating to the Frederick County Board of Education.

11 BY repealing and reenacting, without amendments,  
12 Article – Education  
13 Section 3–5B–01(a)  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 3–5B–01(d)  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2019 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law. Underlining indicates amendments to bill. ~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – Education**

3–5B–01.

(a) The Frederick County Board consists of eight members as follows:

(1) Seven members elected from the county at large; and

(2) One nonvoting student member.

(d) (1) The terms of voting members are staggered as provided in subsection (c) of this section.

[(2) Subject to confirmation of the County Council, the County Executive shall appoint a qualified individual to fill a vacancy on the county board for the remainder of the term and until a successor is elected and qualifies.]

**(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION AND SUBJECT TO CONFIRMATION OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(3) IF A VACANCY FOR AN ELECTED MEMBER OCCURS MORE THAN 30 DAYS BEFORE THE CANDIDATE REGISTRATION DEADLINE FOR THE NEXT PRIMARY ELECTION FOLLOWING THE VACATING MEMBER’S ELECTION, THE INDIVIDUAL APPOINTED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL SERVE ONLY UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES AT THE NEXT GENERAL ELECTION.**

**(4) AT A GENERAL ELECTION, VACANCIES SHALL BE FILLED AS FOLLOWS:**

**(I) THE CANDIDATES WITH THE HIGHEST VOTE TOTALS SHALL FIRST FILL ANY VACANT POSITIONS FOR A FULL TERM OF 4 YEARS; AND**

**(II) AFTER ALL VACANT POSITIONS FOR A FULL TERM OF 4 YEARS ARE FILLED, THE CANDIDATE WITH THE NEXT HIGHEST VOTE TOTAL SHALL FILL THE POSITION FOR WHICH A SUCCESSOR WAS APPOINTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND SERVE THE REMAINDER OF THAT TERM.**

**(5) CANDIDATES FOR A VACATED OFFICE MAY BE NOMINATED AT A PRIMARY ELECTION IN THE SAME MANNER AS ANY OTHER POSITION ON THE COUNTY BOARD.**

1                   **(6) A CANDIDATE ELECTED TO FILL A VACATED POSITION SHALL**  
2 **TAKE OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION AND**  
3 **SHALL CONTINUE TO SERVE FOR THE REMAINDER OF THE VACATED TERM AND**  
4 **UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6                   1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.

## Position Statements



## POSITION STATEMENT

### Budget Security for County Governments

**County Position: SUPPORT**

Frederick County Executive Jan Gardner requests the Frederick County Delegation support a balanced approach to the FY22 budget that addresses the structural soundness of the State's budget while considering counties' responsibilities to provide essential services and serve as the front line for public health and safety in the global pandemic.

While the most recent state revenue estimates improved over initial projections based on pre-pandemic data, the economic forecast will continue to be uncertain. The unpredictable nature of the economy and labor market, the possibility of a second wave of COVID-19, and the uncertainty of a second federal stimulus package contribute to a murky outlook. If and when the State considers substantive cuts to the state budget, it must be recognized that county governments are also facing revenue shortfalls and local budget cuts and cannot absorb cuts or shifts from the State budget.

In the face of this uncertainty, Frederick County, along with the State, must continue to fulfill commitments to provide basic and essential services – public safety, education, public works and other public services – while continuing to respond to an unprecedented health pandemic. Any adjustment to the budget or shift in revenue sources cannot simply be absorbed by local governments.

The County Executive respectfully requests the Frederick County Delegation's strong advocacy and support to protect county budgets and prevent the shifting of the budget costs and tax burden onto Frederick County and other local governments.



## POSITION STATEMENT

### COVID-19 Recovery

**County Position: SUPPORT**

Frederick County Executive Jan Gardner requests that the Frederick County Delegation support meaningful State funding to counties so that local governments, in the face of the COVID-19 pandemic, can ensure continuity of services, respond to public health and safety demands, and facilitate efforts to bring about strong and sustained economic recovery.

The COVID-19 pandemic has required an unprecedented response from local governments. Frederick County has responded to meet complex public health challenges and to continue to safely provide essential services. At the same time, the County has acted quickly and vigorously to provide programs and services to staunch the negative conditions resulting from the pandemic, including small business grants, rental assistance, food assistance, and legal aid to prevent evictions.

Counties will need state and federal aid to maintain their existing commitments to education, public safety, and other important services, while providing an effective response to an historic pandemic. These efforts will continue to be critical as we shift to a greater focus on economic recovery in FY22.

The County Executive respectfully requests the Frederick County Delegation's strong advocacy and support for a state-level plan to provide counties with the funding necessary to ensure continuity of services and adequate local response to the COVID-19 pandemic that includes support for a robust economic turn-around.



## POSITION STATEMENT

### Education - Blueprint for Maryland's Future

**County Position: SUPPORT**

Frederick County Executive Jan Gardner requests the Frederick County Delegation's support for public education and fulfilling the recommendations of the "Kirwan" Commission on Innovation and Excellence in Education.

The Commission's recommendations to ensure a high quality of education for all students in every school system in the state were translated during the last General Assembly into the legislation Blueprint for Maryland's Future – Implementation. This comprehensive bill tied updates to the State's existing education funding formula to the initiatives recommended by the Commission, and provided a 10-year, phased-in timeframe for full implementation. The legislation fulfills the promise of the Thornton Commission and the resulting 2002 Bridge to Excellence Act in providing adequate and equitable funding. Importantly, the Blueprint legislation mandates specific policy, provides needed updates to the Bridge to Excellence funding formulas, and requires accountability reforms to ensure high quality and equitable education for all students in Maryland.

Frederick County stands willing to demonstrate its partnership with the State by funding the local share of these recommendations as proposed by the legislation. Frederick County has clearly demonstrated a strong commitment to education, increasing funding per student by over \$900 since 2015.

The County Executive respectfully requests the Frederick County Delegation's strong advocacy and support for public education and for advancing the funding and policy and accountability reforms of the 2020 Blueprint for Maryland's Future - Implementation.



## POSITION STATEMENT

### School Construction and Renovation Funding

**County Position: SUPPORT**

Frederick County Executive Jan Gardner requests the Frederick County Delegation's support for adequate state funding for school construction and renovation.

School construction is a top legislative priority for Frederick County. All children deserve a seat inside a modern 21<sup>st</sup> Century school to keep the promise of public education. Adequate school facilities are fundamental to ensuring a high quality education.

During the last session, the General Assembly passed the Built to Learn Act of 2020, providing an additional \$2.2 billion in state funding for school construction projects. In Frederick County, this legislation allocates an additional \$102 million in state funding over 10 years beginning in FY22. These dollars will prioritize projects previously deemed eligible for State funding, but deferred due to fiscal constraints. The County Executive provided oral and written testimony and lobbied in support of this legislation along with all of the state's other County Executives.

The County Executive respectfully requests the Frederick County Delegation's strong advocacy and support for the increase in state funding for school construction and renovation provided through this legislation and the traditional Public School Construction program. The demand for new school space and the modernization of existing schools will continue as the county grows.



## POSITION STATEMENT

Local Zoning Authority for Large Solar  
Utility Projects

**County Position: SUPPORT**

The Frederick County Council requests the Frederick County Delegation to support legislation retaining local authority over project siting for large solar utility projects.

The siting of large, utility-scale solar facilities in Maryland remains an ongoing concern for local jurisdictions. A recent Court of Appeals decision finding that the Maryland Public Service Commission can preempt local zoning on solar siting is a growing concern for Frederick County.

The County Council supports the State's renewable energy goals but it is vital to retain local authority to balance the competing interests of protecting and preserving prime farm land to ensure the viability of agriculture and to support the Farm Bureau's position.

The County Council urges the Delegation's support for large solar utility projects to comply with local zoning and siting requirements as part of the project approval process.





## POSITION STATEMENT

Requirements for Advertisement of  
Constant Yield Tax Rate

**County Position: SUPPORT**

The Frederick County Council request the Frederick County delegation to support changes to the current requirements in Maryland law specifying exact wording to be used, thus allowing for more easily understood advertisements, removing specific requirements for those advertisements, and allowing for electronic advertisement.

Currently, the language used for a Constant Yield Tax Rate can be misleading or deceiving. If a property assessment by the State of Maryland Department of Assessments and Taxation increases while the County's Constant Yield Tax Rate is held constant, it then requires a larger County tax bill, thereby increasing County revenues. Under this scenario, the State of Maryland requires a County to call this a tax increase, even though the tax rate has not changed.

Additionally, technology has expanded access to online newspapers and information for many residents. Allowing Counties to advertise electronically will allow easier access to the information. Allowing Counties to advertise electronically would allow specific guidelines to be removed from print ads, which may cause confusion.

We respectfully request the Frederick County Delegation's strong advocacy and support to address the issues with the requirements for advertising the Constant Yield Tax Rate.



## POSITION STATEMENT

Maryland Strategic Energy Investment Fund - Regional  
Greenhouse Gas Initiative -Use of Proceeds for Maryland  
Healthy Soils Program

**County Position: SUPPORT**

The Frederick County Council requests the Frederick County Delegation to support the Maryland Strategic Energy Investment Fund allocating a certain percentage of sales of allowance to go towards the Maryland Healthy Soils Program.

Climate change programs such as the Strategic Energy Investment Fund have a goal to decrease energy demand and increase energy supply. Currently, 20% of the proceeds from the auction of carbon allowances are required to go toward renewable and clean energy programs, including climate change and resiliency programs.

Having funds available to support farmers as they transition to regenerative agriculture best practices is essential in promoting healthy soils and building climate resilience. Regenerative Agriculture is a system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services.

We respectfully request the Frederick County Delegation's strong advocacy and support to pass the allocation of funds from Maryland Strategic Energy Investment Fund towards Maryland Healthy Soils Program.

## Requests from the Public



## Summary of Public Requests

### **The Arc of Frederick County, Inc.**

Submitted by: Shauna Mulcahy, Director, Community Engagement

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The Arc of Frederick County requests a position statement to support increasing accessible transportation and expanding services to eliminate barriers for individuals with developmental disabilities.

### **Board of Education of Frederick County**

Submitted by: Karen Yoho, Member & Legislative Liaison

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The Board of Education of Frederick County requests support for legislation that would enact “hold harmless” provisions effective for the FY22 budgets for 1) State Aid to Education funding and 2) Public School Construction funding granted to school systems through the Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms (EGRC). FY22 funding for both of these programs will rely on student enrollment on September 30, 2020, which has been substantially affected by the COVID-19 pandemic.

### **Commission for Women**

Submitted by: Maura Page, President

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The Commission for Women requests position statements in support of legislation to establish a commission to review election law, practice and procedures to ensure that the state permits and encourages the broadest possible use of the franchise.

The Commission also requests support for previously introduced bills that have failed to move or pass:

- 1) A bill which failed to during the abbreviated 2020 General Assembly Session: Criminal Law-Sexual Crimes-Repeal Spousal Defense (HB590/SB230), would have repealed the law allowing marriage as a defense to sex crimes.
- 2) A bill introduced in 2019, and again in 2020: Labor and Employment – Family and Medical Leave Insurance Program – Establishment to establish a family and medical leave insurance fund to provide partial wage replacement for employees who take leave to care for a new child, a family member with a serious health condition, their own serious health condition, or a family members’ military deployment.

### **Containment Laboratory Community Advisory Committee**

Submitted by: Dr. Matthew Sharkey, Chair

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The Containment Laboratory Community Advisory Committee requests a position statement in support of legislation to require gene synthesis companies as well as people ordering synthetic DNA to comply with the voluntary guidance issued in 2010 by the U.S. Department of Health and Human Services (HHS).

### **Frederick Community College**

Submitted by: Elizabeth Burmaster, Chair, President

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The Frederick Community College requests a position statement in support of full funding of the Cade formula for community college and the restoration of the \$500K cut to FCC funding in the Facilities Renewal Grant made in FY21 and that the FY22 grant be used to fund their eligibility for the FY21 grant.

### **Frederick County Association of Realtors, Inc.**

Submitted by: Amanda Addington, President

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The Frederick County Association of realtors, Inc. requests a position statement to support any legislation that would provide the authority necessary to exempt or provide a reduction in recordation tax for first-time home buyers.

### **Frederick County Teachers Association**

Submitted by: Melissa Dirks, President

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The Frederick County Teachers Association requests position statements to support to 1) override the Governor's veto of the Blueprint for Maryland's Future 2020 and companion legislation; 2) address student count day issues due to the pandemic; and 3) construction funding for aging schools.

### **Insurance Committee**

Submitted by: Lauren Vandergrift, Director, Risk Management, Frederick County Government and Staff Liaison, Frederick County Insurance Committee

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The Frederick County Insurance Committee requests a position statement to oppose a bill introduced in the previous legislative sessions, or legislation similar in content and scope, as well as opposition to legislation that would broadly require employers to accept COVID-19 and related illnesses as workers' compensation claims.

Opposition to HB 767, introduced in 2020, which was an attempt to have fees for legal services added to workers' compensation claims that only involved medical treatment with no lost time. For the most part, these claims are resolved without attorney involvement.

### **Justice Jobs, Frederick County**

Submitted by: Robert Clegg, Executive Director

--

Justice Jobs, Frederick County requests a position statement to support funding for communications devices for low income residents, especially during the pandemic when many programs, educational and job opportunities are accessed electronically.

### **Moms Demand Action for Gun Sense in America, Frederick County**

Submitted by: Jessica Douglass, Legislative Lead

--

Moms Demand Action for Gun Sense in America requests position statements to support the override of the Governor's veto of HB4/SB208 Public Safety – rifles and Shotguns – Sales, Rentals, and Transfers which would close the long gun background check loop hole, and to support legislation that

would prohibit the purchase and sale of “ghost” guns (or untraceable firearms) and the critical parts to manufacture them, introduced in the 2020 session as BH910/SB958 Criminal Law – Untraceable Firearms.

#### **Roads Board**

Submitted by: Robert Shen, Department Head, Department of Engineering and Construction Management and Staff Liaison, Frederick County Roads Board

--

The Roads Board requests a position statement in support of three issues: 1) restoration of Highway User Revenue distributions to local governments to levels that existed prior to 2008; 2) creation of a State program to aid local jurisdictions in the completion of ADA self-evaluations and transition plans; and 3) creation of a State fund to aid local jurisdictions carrying out repairs and replacements identified in their Transition Plans.

#### **Senior Services Advisory Board**

Submitted by: Kathy Schey, Director, Frederick County Senior Services Division and Staff Liaison, Senior Services Advisory Board

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The Senior Services Advisory Board requests a position statement to support legislation to 1) close the digital divide to offer low-cost and/or no-cost access to internet options that facilitate older adult social engagement and student learning, 2) provide a caregiver tax credit that would incentivize family members to care for their aging parents, enabling them to age in place; and 3) eliminate service disruption for clients receiving who, upon reaching Medicare status lose services that help them stay at home.

#### **Social Services Board**

Submitted by: Debbie Marini, Director, Frederick County Department of Social Services and Staff Liaison, Social Services Board

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The Social Services Board requests support for legislation that provides COVID-19 relief or support for recovery activities that assist the most vulnerable in our communities – those who are homeless, impoverished, or have special needs.

#### **Sustainability Commission**

Submitted by: Shannon Moore, Manager, Office of Sustainability and Environmental Resources (OSER) and Dawn Ashbacher, OSER and Staff Liaison to the Sustainability Commission

--

The Sustainability Commission requests support for three pieces of legislation introduced during the truncated session of 2020 should the same or similar bills be considered:

HB 561/SB 315 Community Choice Aggregation – Pilot Project to allow Montgomery County, introduced last session to initiate a pilot program that would allow Montgomery County to act as a community choice aggregator to negotiate the purchase of electric generation services from an electricity provider or supply electricity from its own solar power generating facility to sell to residential customers. Similar legislation this session might enable Frederick County to benefit from Montgomery County’s experience with the pilot project by allowing the County to determine the viability in following suit.

HB209 – Plastics Bag Reduction Act which was passed in the House during the 2020 legislative session and would allow Maryland to join eight other states in banning the use of plastic bags at grocery stores and other retailers.

HB 395 Maryland Strategic Energy Investment Fund – Regional Greenhouse Gas Initiative – Use of Proceeds for Maryland Healthy Soils Program to specify that funds in a certain renewable and clean energy programs account within the Maryland Strategic Energy Investment fund be used for the Maryland Health Soils Program. This legislation was sponsored by Delegate Carol Krimm (Frederick, District 3A) and Delegate Dana Stein (Baltimore, District 11), supported by the Farm Bureau, the Chesapeake Bay Foundation, and passed in the House unanimously.

#### **Technology Council of Frederick County**

Submitted by: Tom Dixon, CIO, Interagency Information Technologies Division

--

The Technology Council requests a position statement that supports State funding for rural broadband initiatives and for increased funding for the Governor's Rural Broadband Office's matching grant programs to counties.

#### **United Way of Frederick County**

Submitted by: Ken Oldham, President and CEO

--

The United Way of Frederick County suggests six recommendations to better enable Asset Limited Income Constrained, Employed (ALICE) households to meet the challenges facing them during the COVID-19 pandemic. 1) Ensure equitable access to vaccines and testing; 2) Development of workforce and senior housing; 3) Policies that provide for access to affordable, high quality childcare; 4) Increase the access to broadband; 5) Increased and expanded access to safe, dependable and affordable transportation options; and 6) Robust State funding for the Volunteer income Tax Assistance (VITA) program, to provide no-cost tax preparation assistance.

#### **Veterans Advisory Council**

Submitted by: Linda Bergofsky, Administrative Specialist III, Citizens Services Division and Coordinator, Veterans Advisory Council

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The Veterans Advisory Council requests support for the passage of State legislation to exempt an increased amount of military retirement income among military retirees/spouses living in Maryland.

## Considerations Submitted by Public Letters and Emails



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**From:** Shauna Mulcahy  
**Sent:** Thursday, August 6, 2020 10:17 AM  
**To:** Schaefer, Joy  
**Cc:** Aaron Stephens  
**Subject:** Legislative Suggestions from The Arc of Frederick County

[EXTERNAL EMAIL]

Hello Ms. Schaefer,

As the County Council is requesting how they can be of support to meet the needs of constituents with disabilities in our community, The Arc of Frederick County recommends focusing on accessible transportation in our community. For example, extending the Taxi Access Program and extending more bus routes with extended hours. And while we appreciate the paratransit services; it can be challenging to utilize while there is a two hour window on when the service can be rendered and scheduling can be difficult for individuals and families.

We appreciate if you can look at these issues as they tend to be a barrier for individuals with developmental disabilities in our community. Thank you for your kind attention to these matters.

Thank you,

Shauna Mulcahy  
Director of Community Engagement

---

**From:** Yoho, Karen  
**Sent:** Wednesday, September 9, 2020 12:39 PM  
**To:** Schaefer, Joy  
**Cc:** Board&StudentMember  
**Subject:** Legislative Considerations

[EXTERNAL EMAIL]

Dear Ms. Schaefer,

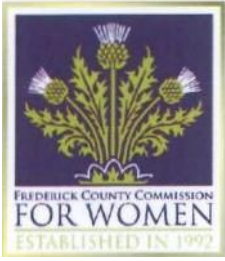
As the legislative liaison, I am responding on behalf of the Board of Education to the letter sent to President Young by County Executive Gardner on Aug. 6 regarding 2021 Legislative Considerations.

\* A main concern for FCPS is that our enrollment is expected to decrease this year. A greater number of families are opting for home schooling options than in previous years. Should we be back to a regular, fully in-person instructional model for the 2021-22 school year, we predict that a large percentage of these students would at that time return. This will cause a financial hardship for the school system since, as you are aware, our per pupil funding is based on the previous fall. We would appreciate knowing that Frederick County and the state government are aware that this is happening here, as well as all over the state. We request that our per pupil funding not be based on the enrollment numbers we are likely to show this September, but rather that we are held harmless for the pandemic interval.

\* Our other concern is also connected to enrollment decrease and funding. The Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms (EGRC) was first established in 2015 and provides additional funding for the capital improvement program. Eligibility is determined based on school system's experiencing significant enrollment growth or using a significant number of relocatable classrooms. FY21 was the first year since the program's inception that FCPS has been eligible based on our significant enrollment growth. Significant enrollment growth is defined as enrollment growth that has exceeded 150% of the statewide average over the last five years. We received an additional \$4.7M this year, so it is a significant benefit for FCPS. While we do not yet know the impact of COVID-19 on enrollments this year, we anticipate they will be less than projected, but we will see an increase next fall. It would be beneficial if a hold harmless provision could be considered. It might not impact FCPS, but there is a lot of uncertainty as we enter the FY 22 budget cycle.

Please let me know if you need additional information. Thank you,

Karen A. Yoho  
Member  
Board of Education  
of Frederick County  
191 South East Street  
Frederick, MD 21701



Frederick County Commission For Women  
401 Sagner Avenue  
Frederick, MD 21701  
(301) 600-1066  
CFW@FrederickCountyMD.gov  
www.FrederickCountyMD.gov/fccfw www.Facebook.com/fccfw



August 28, 2020

## COMMISSIONERS

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Chelsea Kadish  
Kaitlin Moore  
Cindy Shubin  
Desiree Tucker  
Marguerite Vacca-Kaye

*The Commission for  
Women meets the  
second Tuesday of every  
month (except July) at  
4:15p.m. The public is  
invited.*

*The Commission for  
Women is affiliated with  
Frederick County  
Government*

The Honorable Jan H. Gardner  
County Executive  
Office of County Executive  
Winchester Hall  
12 East Church Street  
Frederick, MD 21701

Dear Executive Gardner,

In response to your kind invitation, the Commission for Women is pleased to suggest three items for the County's legislative package for the 2021 General Assembly Session.

### 1. Commission on Access to the Vote.

In honor of the centenary of women's suffrage, we propose that the legislature establish a commission to review election law, practice and procedures to ensure that the state permits and encourages the broadest possible use of the franchise.

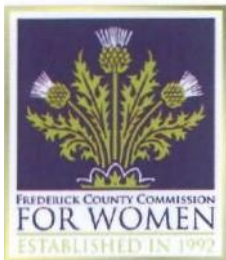
Women's suffrage was an effort to give more people a voice in governance. In the years since, women have taken the effort seriously, and turnout among women is high. It could be higher still if election law, practice and procedures continue to improve in ways that open the door to and encourage voting. For example, if election day were a public holiday, women would encounter fewer conflicts between work and family responsibilities that might prevent them from getting a chance to vote. Women of every age, ethnicity, race, and economic status would benefit from additional ways to increase turnout such as universal and same-day registration, as well as mail-in voting for all.

Many issues that women advocate for might appeal to more legislators if more people affected by those issues voted in higher numbers. Examples include the minimum wage, paid family leave, public benefits, safe housing, and responding to climate change. Groups affected by these issues often include the same people who are most likely to experience difficulties and even barriers to voting. Although Maryland is not known as a bad actor in the discrimination department, a robust re-examination of Maryland's election law, practices and procedures could identify improvements that could permit and even invite greater participation in the franchise.

***Our Mission: To create a stronger community by addressing challenges and fostering unlimited opportunities for all women.***

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Rev. 02/05/20



Frederick County Commission For Women

401 Sagner Avenue

Frederick, MD 21701

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www.FrederickCountyMD.gov/fccfw

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Lakshmi Darbha

Lois Jarman

Carmen Kaarid

Chelsea Kaarid

Kaitlin Moore

Cindy Shubin

Desiree Tucker

Marguerite Vacca-Kaye

2. Maryland Legislative Agenda for Women Unfinished Business.

Despite the abbreviated legislative session in 2020, the Maryland Legislative Agenda for Women (which we participate in as a Commission) had a good year. Two recommended bills failed to pass, and the Commission recommends that the County include both in its 2021 legislative package. Here are the MLAW descriptions of the bills:

a. HB 590/SB 230. Criminal Law-Sexual Crimes-Repeal Spousal Defense.

This bill would have repealed the law allowing marriage as a defense to sex crimes. Currently spouses can only be prosecuted for any sex crime if they have a limited divorce, have lived separate and apart for three months or have a written separation agreement, or if rape involved actual force or threat of force. For other sex crimes, marriage is a complete defense. The bill passed the House, but the Senate took no action.

b. HB 839/SB 539. Labor and Employment-Family and Medical Leave Insurance Program-Establishment.

This bill would have established a family and medical leave insurance fund to provide partial wage replacement for employees who take leave to care for a new child, a family member with a serious health condition, their own serious health condition, or a family member's military deployment. It would have allowed employees to take up to 12 weeks of paid leave under certain circumstances. This program mirrors those in 8 other states and D.C. as well as building on MD law that established a parental leave benefit for state employees in 2018. No action was taken in either house.

Please feel free to contact me or Karen Czapanskiy, Co-Chair of our Legislative Committee (301-758-3970, karensyma@yahoo.com) to discuss any questions or comments that you have about our suggestions. We look forward to hearing from you.

Sincerely yours,

Maura Page

President, Frederick County Commission for Women

240-478-7286

*The Commission for Women meets the second Tuesday of every month (except July) at 4:15 p.m. The public is invited.*

*The Commission for Women is affiliated with Frederick County Government*

cc: Joy Schaefer, Director, Government Affairs & Public Policy, Office of the County Executive  
Commissioners, Frederick County Council  
Delegate Karen Lewis Young

***Our Mission: To create a stronger community by addressing challenges and fostering unlimited opportunities for all women.***

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Rev. 02/05/20

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**From:** Chair Frederick CLCAC  
**Sent:** Monday, September 14, 2020 12:42 PM  
**To:** Schaefer, Joy  
**Cc:** Board&StudentMember  
**Subject:** Re: Request for Legislative Issues from the County Executive

[EXTERNAL EMAIL]

Joy,

I apologize for the delay in my response. Please find an article published in August in the journal *Nature Biotechnology*, which describes legislation enacted in California this past January requiring gene synthesis companies to comply with the voluntary screening framework guidance issued by the US Department of Health and Human Services in 2010. We think that it may be beneficial for Maryland to consider similar legislation. The California bill, also attached, can be found at the following link ([http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1966](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1966)).

Best,

Matt Sharkey  
Chair, Frederick Containment Laboratory Community Advisory Committee  
847-687-5099

# California shows the way for biosecurity in commercial gene synthesis

**To the Editor** — On 21 January, California took a major step to increase biosecurity in commercial gene synthesis, introducing legislation that requires all scientists purchasing gene synthesis products to use companies that perform screening on customers and the sequences they order. If enacted, this legislation would make it a competitive advantage for companies to take biosecurity seriously. Here, we argue that the US federal government and other governments should emulate California's actions.

Assembly member Rudy Salas (assembly district 32) introduced the legislation, which requires not only that customers use companies that perform biosecurity screening but also that companies offering DNA synthesis services in California perform sequence screening<sup>1</sup>. These restrictions would make it harder for a potential nefarious actor to access genetic material for making pathogenic viruses de novo, such as smallpox, Ebola or influenza. The de novo synthesis of known pathogens, particularly small viruses, is listed as one of the most pressing biodefense risks by a 2018 report from the National Academies of Sciences, Engineering and Medicine<sup>2</sup>.

Many commercial gene synthesis companies already voluntarily screen customer orders to make sure that they are both selling to scientists working in regulated research institutions and not

selling anything that could be potentially harmful. In 2010, the US Department of Health and Human Services issued voluntary guidance for companies, including steps to take if there is a sequence or customer of concern<sup>3</sup>.

Because it costs time and money to perform biosecurity screening, responsible companies that voluntarily take this step have until now been at a competitive business disadvantage<sup>4</sup>. The California legislation seeks to tackle this by requiring that all DNA synthesis companies undertake sequence screening, thus leveling the playing field. The California legislation also has a mechanism for eventually requiring screening of smaller gene synthesis products than the current Department of Health and Human Services guidance calls for, a necessary step to keep up with advances in biotechnology<sup>5</sup>.

Of course, there are limits to how much California can do by itself, as this legislation would apply only to California state funds and California gene synthesis companies. Although California is a biotech giant, with several gene synthesis companies, gene synthesis is international, with a global market valued at over \$200 million in 2017 and projected growth to over \$600 million by 2022 worldwide<sup>6</sup>.

It is time for the US federal government and other governments to put in place regulations that ensure DNA sequences of

pathogenic agents do not fall into the wrong hands. It is no longer sufficient for voluntary participation in guidance to oversee a matter of national and international biosecurity. Governments around the world should follow California's example by strengthening biosecurity rules that require synthetic DNA sequence screening.

Rachel West and Gigi Kwik Gronvall

*Johns Hopkins Center for Health Security,  
Department of Environmental Health and  
Engineering, Johns Hopkins Bloomberg School of  
Public Health, Baltimore, MD, USA. E-mail:  
ggronvall@jhu.edu*

Published online: 18 August 2020

<https://doi.org/10.1038/s41587-020-0667-0>

## References

1. AB-1966 Gene Synthesis Providers. Edn. 2019–2020 Regular Session [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1966](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1966) (2020).
2. US National Academies of Sciences, Engineering and Medicine. *Biodefense in the Age of Synthetic Biology* (National Academies Press, 2018).
3. Department of Health and Human Services. *Fed. Regist.* 75, 62820–62832 (2010).
4. Carter, S. R. & Friedman, R. M. *DNA Synthesis and Biosecurity: Lessons Learned and Options for the Future* (J. Craig Venter Institute, 2015).
5. Kobokovich, A., West, R., Montague, M., Inglesby, T. & Gronvall, G. K. *Health Secur.* 17, 419–429 (2019).
6. Bergin, J. *Synthetic Biology: Global Markets* <http://www.bccresearch.com/market-research/biotechnology/synthetic-biology-global-markets.html> (BCC Research, 2018).

## Competing interests

The authors declare no competing interests.

**ASSEMBLY BILL**

**NO. 1966**

**Introduced by Assembly Member  
Salas**

**January 21,  
2020**

An act to add Chapter 1.5 (commencing with Section 24200) to Division 20 of the Health and Safety Code, relating to gene synthesis.

**LEGISLATIVE COUNSEL'S  
DIGEST**

AB 1966, as introduced, Salas. Gene synthesis providers.

Existing law requires the State Department of Public Health to establish an advisory committee to advise the Legislature and the Governor on human cloning and other issues relating to human biotechnology.

This bill would additionally require the department to develop gene sequence and customer screening guidelines for gene synthesis providers and manufacturers of gene synthesis equipment with the purpose of increasing gene synthesis security and improving biosecurity efforts relating to the misuse of gene synthesis products. The bill would require the department to create a process to certify that gene synthesis providers and manufacturers of gene synthesis equipment are in compliance with the guidelines and would require, beginning January 1, 2023, a gene synthesis provider operating in California to be certified. The bill would also require, beginning January 1, 2023, any entity that is the recipient of state resources to purchase gene synthesis products from a gene synthesis provider, and gene synthesis equipment from a manufacturer of gene synthesis equipment, that is certified. The bill would specify the penalties to be imposed for failure to comply with those requirements and require the department to develop an appeals process to appeal the imposition of those penalties.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Chapter 1.5 (commencing with Section 24200) is added to Division 20 of the Health and Safety Code, to read:

**CHAPTER 1.5. Gene Synthesis Providers**

**24200.** For the purposes of this chapter, the following terms have the following meanings:

(a) "Dangerous pathogen" means a pathogen on the select agents and toxins list maintained by the Federal Select Agent Program, the list of human and animal pathogens and toxins for export control maintained by the Australia Group, and any other regulated pathogen identified by the department.

(b) "Department" means the State Department of Public Health.

(c) "Gene synthesis equipment" means equipment needed to produce gene synthesis products that is not readily used for any other purpose, as specified by the department.

(d) "Gene synthesis product" is double stranded DNA (dsDNA), double stranded nucleic acids, RNA, or oligonucleotides, designed and created without an existing DNA template.

(e) (1) "Gene synthesis provider" means an entity that does any of the

following: (A) An entity that creates gene synthesis products for delivery to a customer.

(B) A distributor of gene synthesis products, including, but not limited to, entities who manufacture gene products for use by other parties, both inside and outside of the entity.

(C) A third-party entity that is not the end user of a gene synthesis product and does not make gene synthesis products, but otherwise fills, completes, modifies, or purifies gene synthesis products.

(2) "Gene synthesis provider" does not include a research scientist making gene synthesis products for the research scientist's own use or for use by another research scientist.

**24201.** (a) On or before January 1, 2022, the department shall, with input from industry stakeholders, develop gene sequence and customer screening guidelines for gene synthesis providers and manufacturers of gene synthesis equipment. The department's primary purpose in developing these guidelines shall be to increase gene synthesis security and improve biosecurity efforts to prevent, deter, detect, attribute, and mitigate the misuse of gene synthesis products in California.

(b) The guidelines developed pursuant to subdivision (a) shall include a requirement that gene synthesis providers identify gene synthesis product orders that include dangerous pathogen sequences and other potentially dangerous sequences and, if a dangerous pathogen or other potentially dangerous sequence is identified, a requirement that the order be reviewed by a human and subject to additional screening.

**24202.** The department shall develop a process to certify that gene synthesis providers and manufacturers of gene synthesis equipment are in compliance with the guidelines developed pursuant to Section 24201. The certification process shall include, at a minimum, a review of each entity's compliance biennially.

**24203.** (a) Beginning January 1, 2023, gene synthesis providers and manufacturers of gene synthesis equipment operating in California shall be certified pursuant to Section 24202.

(b) A gene synthesis provider or manufacturer of gene synthesis equipment that is not certified, or fails to maintain its certification, shall be subject to a civil penalty of one thousand dollars (\$1,000) per day that it is not certified.

**24204.** (a) Beginning January 1, 2023, any entity that is the recipient of state resources, including, but not limited to, funds, the use of facilities, materials, and labor, whether or not the resources are received as part of a project with another entity that does not receive state resources, shall purchase gene synthesis products from a gene synthesis provider, and gene synthesis equipment from a manufacturer of gene synthesis equipment, that is certified pursuant to Section 24202, whether or not the gene synthesis provider or manufacturer of gene synthesis equipment is operating in California.

(b) An entity that does not comply with subdivision (a) may have access to all state resources revoked for the duration of the noncompliance.

**24205.** The department shall develop an appeals process for gene synthesis providers and manufacturers subject to a civil penalty pursuant to Section 24203 and for entities subject to state resource revocation pursuant to Section 24204. The appeals process shall ensure that appellants are provided with due process.



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**From:** Kari Melvin on behalf of Elizabeth Burmaster  
**Sent:** Friday, August 7, 2020 4:03 PM  
**To:** Schaefer, Joy  
**Cc:** Spiegel, Janice; Kari Melvin  
**Subject:** 2021 Legislative Considerations

[EXTERNAL EMAIL]

Dear Ms. Schaefer,

Thank you for the opportunity for Frederick Community College to provide input on the Frederick County legislative package for the 2021 General Assembly Session.

We respectfully request that Frederick County and members of the Frederick County Delegation support full funding of the Cade formula for community colleges. In early July 2020, the Board of Public Works rescinded the FY 21 state aid increase of \$36.5 million to Maryland community colleges. This increased funding would have addressed the historical underfunding which has hampered the ability of community colleges to meet the expectations of state government, our students, and the communities we serve.

Federal stimulus funds provided partial assistance for community colleges to pay additional costs associated with shuttering the campuses, moving to online instruction, and providing the precautions and equipment needed to protect students, faculty, and staff from the spread of the coronavirus. However, the federal funds are subject to use mandates and do not provide the funding required for community colleges to meet their current challenges. The ability of community colleges to contract with highly skilled faculty, create new innovative programs, and acquire state-of-the equipment is imperative to Maryland's economic recovery. With Maryland's unemployment rolls reaching close to one million and numerous businesses not returning to full employment or closing permanently, the need for workforce enhancement has never been greater.

The FY 22 budget would increase the proportionate community college Cade formula funding from 25% to 27% of the funding granted per FTE at Maryland's four-year colleges and universities and from 66.5% to 68.5% for Baltimore City Community College (BCCC). In a normal environment the 27% tie would yield a substantial increase in state aid; however, there are currently too many unknown factors to provide an estimate of what the FY 22 state aid increase will yield. We would like to see a full restoration of the \$36.5 million that was rescinded in the FY 21 budget as a minimum appropriation in the FY 22 budget together with the full Cade formula increase.

In addition, we request the restoration of the \$500,000 cut to FCC in the Facilities Renewal Grant made in early July 2020 by the Board of Public Works. These funds were to be allocated for deferred maintenance projects. We ask that the FY 22 grant be used to fund our eligibility for the FY 21 grant.

Sincerely,  
Libby Burmaster, President  
Frederick Community College



September 8, 2020

The Honorable Jan Gardner, County Executive  
Winchester Hall  
12 East Church Street  
Frederick, MD 21701

Dear County Executive Gardner,

On behalf of the 1,200 members of the Frederick County Association of REALTORS® (FCAR), I want to thank you for the opportunity to offer suggestions for state legislation for the upcoming 2021 General Assembly session.

Approximately six months ago, the Administration and County Council initiated and approved an increase to the real estate recordation tax. In our discussions with members of the County Council, there was interest in exempting first-time home buyers from this tax increase, or otherwise reducing the rate for those individuals. However, it was unclear at that time whether the County had the authority to do so, or whether future state action would be necessary to empower Frederick to consider this proposal.

As you will see from the enclosed chart, many Maryland Counties offer a full or partial exemption from real estate transaction taxes for either first-time or owner-occupied properties. Given that the up-front costs are the most difficult aspect of a home purchase for first-time buyers, FCAR believes that the benefits of enacting a recordation tax reduction would far outweigh its costs. We therefore ask the County to seek whatever authority is necessary to bring this item forward for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Addington', with a stylized, flowing script.

Amanda Addington, President  
Frederick County Association of REALTORS®

## County Recordation & Transfer Tax Exemptions/Reductions\*

County	Owner Occupancy Exemption? (Portion of Sale Exempt from Tax)		First Time Home Buyer Exemption/Reduction?
	Recordation Tax	Transfer Tax	Transfer Tax
Allegany County	-	\$50,000	-
Anne Arundel County	-	-	-
Baltimore City	\$22,000	\$22,000 (1)	-
Baltimore County	-	\$22,000	-
Calvert County	-	-	-
Caroline County	-	\$25,000 (2)	First \$75,000 of sale exempt (2)
Carroll County	-	-	-
Cecil County	-	-	0% tax
Charles County	-	-	-
Dorchester County	-	\$30,000	-
Frederick County	-	-	-
Garrett County	-	\$50,000	-
Harford County	-	\$30,000	-
Howard County	-	- (3)	-
Kent County	-	-	-
Montgomery County	\$100,000	-	-
Prince George's County	-	- (4)	-
Queen Anne's County	-	-	Rate reduced to 0.25%
Somerset County	-	-	-
St. Mary's County	-	\$30,000	-
Talbot County	-	\$50,000	-
Washington County	-	\$50,000 (5)	Rate reduced to 0.25% (6)
Wicomico County	-	-	-
Worcester County	-	\$50,000	-

Source: Sage Policy Group and individual county websites and county codes/laws. Notes: \*In some cases the exemption/reduction applies to the buyer only, in some cases the benefit is split between buyer and seller. (1) On purchases under \$250K. (2) Buyer cannot receive both owner occupancy and FTHB exemption. (3) Law Enforcement Officers, Fire and Rescue Services Members and Certificated Professional Teacher are eligible for a rate reduction to 0% if a first-time home buyer; 0.7% for subsequent purchases. (4) Classroom teachers are eligible for a rate reduction to 1%. Police officer/deputy sheriffs are eligible for a rate reduction to 0% if a first-time home buyer; 1% for subsequent purchases. (5) Exempt on all transactions (owner occupied or otherwise). (6) Reduced rate of ¼ of 1% for a deed to first time *Washington County* homebuyer(s), defined as an individual who: 1. Has never owned residential real property in Washington County that has been the individual's principal residence; and 2. Has been a resident of Washington County continuously for twelve months prior to the purchase; and 3. Has purchased a residence for a total consideration of less than \$115,000.



# *Frederick County Teachers Association*

1 Worman's Mill Court, Suite 16, Frederick, Maryland 21701  
Phone: 301-662-9077 Fax: 301-662-9205  
[www.myfcta.org](http://www.myfcta.org)

*Melissa Dirks*  
President

*Elaine Crawford*  
*Andrew Macluskie*  
*Jennifer Nguherimo*  
MSEA UniServ Directors

## **Suggestions for the County Executive's 2021 Legislative Package from FCTA**

1. Support for Legislative Override of the Governor's Veto of Blueprint for Maryland's Future.  
  
The work of this bill reflects the years of thoughtful, deliberative work of the Kirwan Commission as well as input from stakeholders. The shortfall in funding public education in Maryland is a proven fact. Maryland underfunds its educational system by 2.9 Billion dollars annually. The Blueprint has a measured, reasonable plan to mitigate that over several years. Our kids can't wait any longer to get started down that road.
  - a. It would increase the State's portion of funding of public education which has been out of balance for a long time.
  - b. The new enhanced education funding formula also recognizes the real cost of education especially in areas of special education, English language learners and students in concentrated poverty.
2. Support companion legislation to the Blueprint legislation that would address issues related to the virtual learning start of this school year and the delay in the intended implementation of the Blueprint when it passed last legislative session.
3. Support a legislative solution to student count day issues created by the pandemic necessitating virtual and hybrid models of instruction across the state. The current student count law was not designed to work with this type of educational model and this should not be another way that public education is harmed by the pandemic.
4. Support for the School Construction and Aging School Renovation dollars. Frederick County has the need for new schools and has a number of aging schools that need to be maintained properly for the health and safety of all our students and educators.



## FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

**DIVISION OF FINANCE**  
Department of Risk Management

*Lori L. Depies, CPA, Division Director*  
*Lauren Vandergrift, Director*

October 1, 2020

Jan H. Gardner, County Executive  
Joy Schaefer, Director, Government Affairs and Public Policy

Re: 2021 State Legislative Initiatives

Dear County Executive Gardner and Director Schaefer:

As the Staff Liaison for the Frederick County Insurance Committee, I want to thank you for the opportunity to provide our 2021 legislative initiatives. The Department of Risk Management does not have new legislative initiatives to present for the 2021 legislative session; however, as bills are presented in Annapolis, we certainly will provide our position. We would be concerned with any legislation relating to public sector liability claims or workers' compensation issues that could have a financial impact to the County.

Due to the COVID-19 pandemic, the 2020 legislative session prematurely ended. There was one bill that we were monitoring during the session. House Bill 767 was an attempt to have fees for legal services added to workers' compensation claims that only involved medical treatment with no lost time. Currently, an injured worker with a medical-only claim is not owed indemnity compensation. Therefore, in the event the injured worker has an attorney, the attorney cannot collect any fees. These claims are resolved, for the most part, without attorney involvement. Medical-only claims are those affected by this legislation. We urged an unfavorable report for HB 767 as the bill:

- Would have granted the Workers' Compensation Commission the authority to award claimants up to \$2,000 in attorney fees to be paid by the employer/insurer/self-insurer regardless of the outcome or decision.
- Encouraged an increase in filing medical treatment issues by claimant attorneys when, currently, most medical-only claims are resolved without attorney involvement;
- Would have resulted in a reduction of efficiency and timely resolution of medical-only claims with the increased number of attorney-involved claims; and
- Sets a dangerous precedent that sets the stage for future efforts to further cull attorney fees from lost time claims, thereby significantly increasing the expense to the employer/insurer/self-insurer for each lost time claim.

*Frederick County: Rich History, Bright Future*

Winchester Hall • 12 East Church Street, Frederick, Maryland 21701 • Phone 301-600-1177 • Fax 301-600-2521

[www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov)

Some of the concerns we have for the 2021 legislative session are a continuation from 2019 session. There were two issues that were put forward in 2019 that we are closely monitoring in the event they are brought forward again for a vote in 2021.

Lastly, there may be a bill put forward to have COVID-19 and related illnesses covered under workers' compensation. We have accepted a few workers' compensation cases where a positive COVID-19 test result of an employee can be linked to a specific and accidental illness at work. However, due to the high transmission rate of COVID-19, we are concerned about a bill that would broadly require employers to accept COVID-19 and related illnesses as workers' compensation claims. In addition, the long term effects of COVID-19 are still being discovered. The financial impact of including COVID-19 illnesses under workers' compensation is incalculable.

Although not a legislative initiative, we would like to briefly highlight a wonderful resource and ally that Frederick County has in its corner when it comes to legislative matters at the State. Rudy Rose, Esq. is the past Chairman of the Workers' Compensation and Employers' Liability Department at Semmes, Bowen & Semmes. He is the County's primary defense attorney for our workers' compensation claims. He understands our concerns both as an employer and a local government. His knowledge and expertise are a vital source of information for legislative happenings in the State. Mr. Rose has over 40 years in law and serves on many notable boards and committees, such as:

- The Joint Committee on Workers' Compensation Benefit and Insurance Oversight, which evaluates and examines the structure for workers' compensation and benefits in Maryland. A position on this committee is appointed by the Senate President and House Speaker.
- The Maryland Workers' Compensation Commission Medical Fee Guide Revision Committee, which is responsible to assess and recommend changes to the Medical Fee Schedule procedures used by the Workers' Compensation Commission.
- The Legislative Committee of the Maryland Self-Insurers Association
- The Workers' Compensation Committee of the Maryland Chamber of Commerce
- The General Council for the Safety Council of Maryland, Inc.
- The Educational Association of the Maryland Workers' Compensation Commission
- Workers' Compensation Task Force and Governor's Executive Advisory Panel of Insurance Fraud

Should there be a need for support or advice regarding liability or workers' compensation legislative matters in the future, Mr. Rose is a great asset for the County. He can support our efforts and concerns in the legislative sessions, as well as in the workers' compensation hearings. He is eager and willing to help us with questions, recommendations, or endorsements.

If any insurance, liability, or workers' compensation legislation develops in the 2021 legislative session, the Department of Risk Management can provide you with support at that time to determine the either positive or negative effect on the County.

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Thank you again for the opportunity to participate in the legislative process.

Sincerely,

*Lauren Vandergrift*

Lauren Vandergrift  
Director  
Department of Risk Management

Attachment  
2020 HB 767-Workers' Compensation- Fees for Legal Services

cc: Rick Harcum, Chief Administrative Officer  
Bryon Black, County Attorney  
Lori L. Depies, Division Director, Finance

# HOUSE BILL 767

K1

0lr3228  
CF 0lr2859

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By: **Delegate Valderrama**

Introduced and read first time: January 31, 2020

Assigned to: Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Fees for Legal Services**

3 FOR the purpose of authorizing the Workers' Compensation Commission, if there is no  
4 compensation payable to a covered employee, to order that a fee of not more than a  
5 certain amount for legal services rendered on behalf of the covered employee be  
6 payable by the covered employee, an employer or its insurer, a self-insured  
7 employer, or the Uninsured Employers' Fund; and generally relating to fees for legal  
8 services rendered in connection with a workers' compensation claim.

9 BY repealing and reenacting, with amendments,  
10 Article – Labor and Employment  
11 Section 9–731  
12 Annotated Code of Maryland  
13 (2016 Replacement Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Labor and Employment**

17 9–731.

18 (a) (1) Unless approved by the Commission, a person may not charge or collect  
19 a fee for:

20 (i) legal services in connection with a claim under this title;

21 (ii) medical services, supplies, or treatment provided under Subtitle  
22 6, Part IX of this title; or

23 (iii) funeral expenses under Subtitle 6, Part XIII of this title.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

**\*hb0767\***



**(2) IF NO COMPENSATION IS PAYABLE TO THE COVERED EMPLOYEE, THE COMMISSION MAY ORDER THAT A FEE OF NOT MORE THAN \$2,000 FOR LEGAL SERVICES RENDERED ON BEHALF OF THE COVERED EMPLOYEE BE PAYABLE BY:**

**(I) THE COVERED EMPLOYEE;**

**(II) THE EMPLOYER OR ITS INSURER;**

**(III) A SELF-INSURED EMPLOYER; OR**

**(IV) THE UNINSURED EMPLOYERS' FUND.**

**[(2)] (3) [When] EXCEPT FOR A FEE ORDERED UNDER PARAGRAPH (2) OF THIS SUBSECTION, WHEN the Commission approves a fee, the fee is a lien on the compensation awarded.**

**[(3)] (4) Notwithstanding paragraph [(2)] (3) of this subsection, a fee shall be paid from an award of compensation only in the manner set by the Commission.**

**(b) (1) The Commission may order that a fee payable from compensation under subsection (a) of this section be paid in a lump sum.**

**(2) If the Commission grants a lump-sum payment under paragraph (1) of this subsection, the Commission shall:**

**(i) reduce the weekly rate of compensation until the amount of the lump sum would have been paid if it had been paid in weekly payments; and**

**(ii) state in the award the dollar amount and the number of weeks that the reduced rate shall be paid by:**

**1. the employer or its insurer; or**

**2. if payments are made from the Subsequent Injury Fund, the Subsequent Injury Fund.**

**(c) On application of a party, the Commission may:**

**(1) hear and decide any question concerning legal services performed in connection with a claim; and**

**(2) order a person who received a fee for legal services to refund to the payer any part of the fee that the Commission may find to be excessive.**

**(d) An order of the Commission regulating payment or refund of payment for legal**

1 services may be enforced or appealed in the same manner as a compensation award.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2020.



## Justice Jobs of Maryland, Inc.

22 S. Market St., Ste. 210, Frederick, MD 21701

(301) 360-3503 [info@justicejobsmd.org](mailto:info@justicejobsmd.org)

[www.justicejobsmd.org](http://www.justicejobsmd.org)

Barbara Reigle, President

Tarolyn Thrasher, Vice-President

Connie B. Clegg, Secretary

Rev. Mark Groover, Treasurer

Stacy Mowrey, Director

Bob Clegg, Executive Director

September 11, 2020

The Honorable Jan Gardner  
County Executive  
Winchester Hall  
12 E. Church St.  
Frederick MD 21702

Re: 2021 Legislative Considerations

Dear County Executive Gardner,

Thank you for the opportunity to provide input for the 2021 legislative priorities for Frederick County. Justice Jobs of Maryland, Inc. is a 501(c)(3) nonprofit organization that seeks to help people with barriers to employment get and keep jobs in the formal economy. Here is a brief snapshot of our perspective:

- Since August, 2018, we have helped 88 persons get jobs in the service economy, manufacturing, construction, and the professional and business sectors.
- Over 90% of these hires are either judicially involved, victims of substance use disorder, or both.
- Among those hired, job retention is over 70% at 6 months after hire, as our process tends to screen those who are not ready for employment.
- Justice Jobs' hires account for over \$1MM of the Frederick County tax base, plus untold savings in human and community services.

Justice Jobs partners with Frederick County Workforce Services under Frederick County Vendor Contract RFQ #19-322 (Reentry Employment Services) to provide soft skills job training, resume assistance, and 1:1 online application assistance to job applicants who are judicially involved. Our work with those who are often the hardest to serve uniquely positions us to provide legislative input.

To pick one topic of salient need for legislative input, I will suggest the need for funding for communications devices for the low-income citizens – typically those who are unhoused or who reside in shelters or halfway houses. The availability of cell phones for this segment of the population, as provided through the government's Lifeline Assistance Program, does give the poorest of the poor free cell phones and inexpensive cell phone plans, typically with a limited number of free minutes. Popularly known as Obama phones, these are flip phones, which provided people with a real leg up in 2015 but fall way short of basic communications needs in 2020.

The reason for this change is that during the pandemic, many services are available only online. Here

are examples showing why smart phone technology is now a basic human need:

- As part of our vendor services agreement with the County and in partnership with Workforce, Justice Jobs will provide monthly Zoom workshops on interview skills and the new economy starting this month. Unfortunately, many of our applicants will be unable to participate because they do not have smart phones. At Workforce's suggestion, we are tracking the number of people who cannot participate for this reason and will provide those numbers through Workforce to the County as evidence of the need for video-enabled smartphone devices, with commensurate service plans, later this fall.
- More broadly, many services are provided online and via smartphone technology that cannot be provided or are less effectively provided with audio-only. Many government and nonprofit human services, including social services, are now available by video phone. More importantly, doctor's visits are now often done by telemedicine, whereby doctors evaluate, diagnose, and treat patients through visits conducted via video – whether for a well visit, a follow-up, or even an evaluation for COVID-19.

Because teleconferencing has become a basic human need in time of coronavirus, *Justice Jobs recommends a legislative funding request to provide smart phones, commensurately supported by service plans, to the poorest of the poor.*

According to the *Washington Examiner*, over 10% of Marylanders use Obama phones, which extrapolates to over 27,000 Frederick County residents. The following estimates for currently advertised phones and plans assume bulk discounts applied as in-kind contributions to social services: Assuming a 10% utilization rate in the startup year, 2,700 phones at \$80 each (assuming 20% bulk discount on Nokia 2.2 Single SIM Smartphones) plus basic plans starting at \$28/month (assuming 20% bulk discount on the Unlimited Plan from Net10 Wireless) yields a first-year cost for Frederick County of \$1,123,200.

We welcome the opportunity to partner with you and communicate this need to our state delegation as well as the appropriate workgroups and Committees in Annapolis. This need is not specific to Frederick County – your collaborative approach in working within the Maryland Association of Counties and with other Maryland County Executives may lead to additional solutions for those who need it most.

Respectfully Yours,



Robert S. Clegg, Ph.D, M.Div.  
Executive Director  
Justice Jobs of Maryland, Inc.

---

**From:** jess saraphin  
**Sent:** Wednesday, September 9, 2020 7:19 PM  
**To:** Schaefer, Joy  
**Subject:** 2021 Legislative Considerations

[EXTERNAL EMAIL]

Good Evening Joy,

Thank you for the invitation to share my legislative ideas and suggestions for Frederick County's legislative package for the 2021 General Assembly Session on behalf of the Frederick Group of Moms Demand Action for Gun Sense in America. We have two suggestions for next year's session: Close the long gun background check loophole and restrict do-it-yourself "ghost guns."

In Maryland, every gun sale requires a background check, except for long guns purchased through an unlicensed dealer. This dangerous loophole allows a person who would otherwise be denied purchase of a gun in the state of Maryland to AVOID a background check. This is especially dangerous in Frederick County because there are more guns offered for sale online that DO NOT require a background check in Frederick County than in any other county in the state. In fact, as of this writing, there are DOUBLE the number of guns for sale that do not require a background check on armslist.com in Frederick County than there are in any other county in the state. <https://everytownresearch.org/unchecked/>

Frederick County residents are living in an area of the state where people with dangerous histories can most easily purchase guns WITHOUT background checks.

A bill to close this loophole passed through both the house and the senate (HB4 and SB 208) of our state legislature this year, but Governor Hogan vetoed it. A veto override requires 3/5 of each chamber. It will be the work of Moms Demand Action and other citizens who support gun violence prevention to put pressure on our legislators to vote to override the Governor's dangerous override of this bill.

Ghost guns and untraceable guns continue to undermine firearm laws at the federal and state level. These do-it-yourself (DIY) firearms are made from parts available without a background check and are predictably emerging as a weapon of choice for violent criminals, gun traffickers, dangerous extremists, and, generally, people legally prohibited from buying firearms. Because it has no serial number, a ghost gun cannot be traced back to where it came from, which frustrates police investigations and robs victims and survivors of justice. Maryland should pass laws to prohibit the purchase and sale of ghost guns and the critical parts to manufacture them, mandate that firearms that are manufactured at home are serialized, and require the licensure of individuals who want to manufacture firearms.

During this year's truncated session, the house and senate could not agree on the terms of ghost gun legislation, but a bill was put forward in each - HB910 and SB958. Frederick County residents would be safer if the state of Maryland passed laws restricting "ghost guns." I will be happy to update you and the Council on bill numbers once they are introduced next year.

Thank you.

Sincerely,  
Jessica Douglass  
Legislative Lead  
Moms Demand Action Frederick County  
301-524-4425

---

**From:** Shen, Robert  
**Sent:** Monday, September 14, 2020 9:27 PM  
**To:** Schaefer, Joy  
**Cc:** Nipe, Charles; Stitt, Jason  
**Subject:** 2021 Legislative Considerations

Joy,

Sorry for the delayed response. Here is our input, which is the same as last year.

- 1. Restoration of Highway User Revenue distributions to local governments to levels that existed prior to 2008.** These funds are necessary for the maintenance of local jurisdiction's highway networks.
- 2. Creation of a State program to aid local jurisdictions in the completion of ADA self-evaluations and Transition Plans.** Such a program would ensure consistent application of ADA standards and interpretations and potentially increase efficiency.
- 3. Creation of a State fund to aid local jurisdictions carrying out repairs and replacements identified in their Transition Plans.** Funds would be prioritized for ADA work related to sidewalks in State Highway rights-of-ways. At this time State Law requires local jurisdictions to pay for maintenance and repair of sidewalks along State Roads. While the State has existing programs to address sidewalk construction, maintenance, and ADA compliance in State rights-of-ways, they are currently insufficient to address on-going ADA compliance at the local level.

Thanks,

Robert



## Legislative Issues

### **Issue 1: Closing the Digital Divide**

Lack of internet access is an issue for older adults as this fosters social isolation. This is an issue for school children as well, as lack of internet accessibility limits education. Very low-cost and/or no-cost access to internet options could facilitate older adult social engagement and student learning.

#### **Research:**

“Social isolation, loneliness in older people pose health risks”

<https://www.nia.nih.gov/news/social-isolation-loneliness-older-people-pose-health-risks>

Health effects of social isolation, loneliness:

[Research](#) has linked social isolation and loneliness to higher risks for a variety of physical and mental conditions: [high blood pressure](#), [heart disease](#), [obesity](#), a weakened immune system, anxiety, [depression](#), [cognitive decline](#), [Alzheimer’s disease](#), and even death.

People who find themselves unexpectedly alone due to the death of a spouse or partner, separation from friends or family, retirement, loss of mobility, and lack of transportation are at particular risk.

Conversely, people who engage in meaningful, productive activities with others tend to live longer, boost their mood, and have a sense of purpose. These activities seem to help maintain their well-being and may improve their cognitive function, [studies](#) show.

#### **Congressman Trone’s legislation:**

<https://trone.house.gov/media/in-the-news/trone-introduces-legislation-address-social-isolation-loneliness-among-seniors-due>

### **Issue 2: Caregiver Tax Credit**

The purpose would be to incentivize family members to care for their aging parents so that they may age in place.

#### **Research:**

Information what the IRS has done: <https://www.irs.gov/faqs/irs-procedures/for-caregivers>.



<https://acl.gov/news-and-events/news/states-considering-measures-give-family-caregivers-tax-credits>

March 20, 2019

The [New York Times](#) (3/20, Young) reports that California state assemblyman Jim Patterson (R) authored “a bill that would give family caregivers in California a tax credit of up to \$5,000 annually to help offset their expenses.” AARP “is pushing similar bills in at least seven other state legislatures this year,” but “at the federal level, bills that would have created a federal income tax credit of up to \$3,000 never got out of congressional committees last year.” Such bills aim to provide relief to family caregivers “who care for a loved one with a chronic, disabling or serious health condition.”

### **Issue 3: Medicaid Waiver - Eliminate Service Disruption**

#### **Background:**

The Senior Services Division administers several Waiver programs to assist eligible individuals to age in place:

**Community Options (CO) Waiver:** Called a Waiver because it “waives” the requirement that one can only receive Medicaid covered long-term care services in a long-term care facility. Under the Waiver, the recipient can receive services either at home or in an assisted living facility.

**Community First Choice (CFC):** A program that allows community eligible Medicaid recipients that meet a nursing facility level of care to receive long-term care services and supports at home.

Both of these Waivers are administered by the State of Maryland, through the local Area Agency on Aging (Senior Services Division). One of the challenges that Waiver clients face is that when they reach Medicare status, their Waiver services end, which means they lose services that help them stay at home. It is unclear whether this is a state issue or a federal issue, or both, but it is a problem.



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**From:** Debbie Marini  
**Sent:** Tuesday, September 22, 2020 03:03 PM  
**To:** Schaefer, Joy  
**Subject:** Request for Legislative Issues from the County Executive

[EXTERNAL EMAIL]

The Social Services Board requests support for legislation that provides COVID-19 relief or support for recovery activities that assist the most vulnerable in our communities – those who are homeless, impoverished, or have special needs.

Thank you,

Debbie Marini, LCSW-C, Director  
Frederick County Department of Social Services

## **Recommendations for Legislation for State of Maryland 2020-2021 Legislative Session**

The Frederick County Sustainability Commission is one of the organizations that have been requested to submit suggestions for the Maryland 2021 legislative session. These suggestions have considerable support among residents in Frederick County concerned about the environment and sustainability:

### **Support House Bill 561:**

#### **Community Choice Aggregation – Support for Montgomery County Pilot Project**

The Community Choice Energy pilot program will allow Montgomery County, as a community choice aggregator to provide solar generated power to the County's residents. As the aggregator the County may negotiate the purchase of electric generation services from an electricity supplier or supply electricity from an its own solar power generating facility. The power is then sold to residential electric customers.

The advantages to residents include lower electricity bills, support of clean, renewable energy generation and reduction of the county's carbon footprint. Successful projects have been established such as the Hudson Valley Community Power CCAS program. If enough counties enacted such programs, customer demand could force a faster transition to renewable and carbon-free power generation.

If similar legislation is passed in an upcoming legislative session, and Montgomery County initiates a pilot program, Frederick County could benefit from Montgomery County's experience with the pilot project and could determine the viability of following suit by requesting the opportunity to closely observe their planning and deliberations.

See attached HB 561:



HB 561\_CCE Pilot  
Program\_2020 (1).pd

### **Support House Bill 209F:**

#### **Plastics and Packaging Reduction Act**

In March 2020, the House of Delegates passed Bill 209, banning single-use plastic bags such as the ones shoppers get at the grocery stores. The legislation is due to go to the State Senate this legislative session and if passed, Maryland could join eight other states in banning the use of plastic bags at grocery stores and other retailers.

The production of plastics is a leading contributor to greenhouse gas and to our growing landfill crisis. The statewide ban would decrease litter, improve water quality and aid wildlife conservation and make for a more livable climate. Plastic bags damage recycling equipment, the litter they generate affects the tourism industry and it costs state and local governments money to clean up that litter.

Takoma Park, Chestertown, Westminster, Montgomery County, Howard County and most recently Baltimore City, have all passed legislation that either prohibits the use of plastic bags or charges a fee for them. Retailers in fact favor statewide legislation to a piecemeal approach.

See attached Bill HB209F



House Bill banning  
Plastic Bags- hb0209F

### **Support House Bill 395:**

#### **Maryland Strategic Energy Investment Fund - Regional Greenhouse Gas Initiative - Use of Proceeds for Maryland Healthy Soils Program**

The purpose of Bill 395 is to specify that funds in a certain renewable and clean energy programs account within the Maryland Strategic Energy Investment Fund be used for the Maryland Healthy Soils Program. Of the 20% credited to a renewable and clean energy program account, \$500,000, shall be allocated to the Maryland Healthy Soils Account.

The bill was supported by both the Farm Bureau and the CBF, passed the House unanimously, and will be reintroduced by Del. Krimm early so that it crosses over to the Senate.

See revised text of Bill 395: <https://legiscan.com/MD/text/HB395/2020>.

---

**From:** Dixon, Tom  
**Sent:** Thursday, August 6, 2020 11:56 AM  
**To:** Schaefer, Joy  
**Subject:** RE: Request for Legislative Issues from the County Executive

Joy,

The Technology Council would suggest putting more state funding behind rural broadband initiatives. I know the Governor has established a Rural Broadband Office, but I also know this office could use more funding for matching grant programs for the Counties. The County Executive is well aware of these broadband issues, and the Rural Broadband Office.

Tom

**Tom Dixon**

Chief Information Officer

Interagency Information Technology Director

Frederick County Government

301-600-2377



**LIVE UNITED**



United Way  
of Frederick County

August 19, 2020

The Honorable Jan H. Gardner  
County Executive  
Winchester Hall  
12 E. Church St.  
Frederick, MD 21701

**Re: 2021 Legislative Considerations**

Dear County Executive Gardner:

Thank you for the opportunity to share United Way of Frederick County's (UWFC's) thoughts in preparing for the 2021 General Assembly Session.

The soon-to-be-released update for the United Way ALICE (Asset Limited, Income Constrained, and Employed) Report for Maryland focuses on the growing gap between employee wages and the community's actual cost of living. In Frederick County, 37% of households are ALICE, an increase from 34,688 households in the 2018 report to 35,291 households in the 2020 report. These are families that are forced to make difficult choices between paying for housing, child care, food, health care or transportation.

The COVID-19 pandemic has placed unprecedented stress on ALICE households. Low income employees are the most likely to suffer job loss or reduced work hours and, if working, are often in positions that place them at higher risk of COVID-19 exposure. ALICE workers are less able to contend with disruptions in employment, health issues and public transportation systems.

For these reasons, we have developed a series of recommendations to better enable ALICE households to meet the challenges facing them at this time:

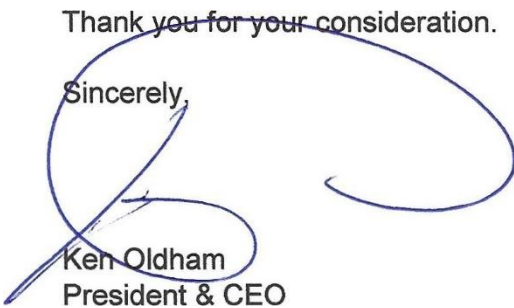
- Equitable access to vaccines and testing: Access to immunizations and COVID-19 testing should be made available to every person in Frederick County. Systems must be developed to ensure that ALICE households have access to testing and vaccines at the same rate as their wealthier neighbors regardless of their ability to pay.
- Housing: The potential for multiple waves of COVID-19 may require continued investment in eviction and foreclosure mitigation assistance to stabilize ALICE households and prevent a surge in homelessness in Frederick County. While COVID-19 represents an emergent need, we also encourage continued long-term thought and action to develop affordable workforce and senior housing.

- Availability of quality childcare: The COVID-19 pandemic has exacerbated existing challenges for ALICE households to access affordable and quality childcare. There is now a crisis facing families to safely care for their children while working. UWFC advocates for policies that provide affordable childcare that enable parents to work while their children attend virtual school.
- Broadband Access: Now more than ever, ALICE families will need greater access to broadband to utilize online learning platforms, take advantage of telemedicine appointments or work remotely. Investment in providing households with broadband will be essential to help ensure equitable distribution of virtual learning materials for public school students, health services for families and job opportunities for county residents.
- Transportation: Temporary reduction in public transportation services in the DC Metro area has placed tremendous pressure on ALICE households. Transportation and improved mobility are essential community needs, but are often lacking in rural areas of the county. Safe, dependable and affordable transportation options are especially vital now as individuals need increased access to jobs and medical care during the COVID-19 pandemic.
- Volunteer Income Tax Assistance (VITA): VITA assists low-income Frederick County community members with tax services bringing back over \$1 million in refunds to the community annually. State funds are an important part of support for VITA programs as they are leveraged with federal and private dollars. For every dollar the state invests, it results in an additional four dollars. The VITA program in Frederick County cannot expand to meet demand without continued state investment, and most importantly, will not be able to put into place needed adaptations for public health and safety without additional state support.

If you or any member of the delegation would like to discuss any of these positions in further detail, we are more than happy to make ourselves available.

Thank you for your consideration.

Sincerely,

A large, stylized handwritten signature in blue ink, appearing to be 'Ken Oldham', is written over the typed name and title.

Ken Oldham  
President & CEO

CC:

Advocacy Committee, United Way of Frederick County

Malcolm Furgol, Director of Community Impact. United Way of Frederick County

---

**From:** Bergofsky, Linda  
**Sent:** Monday, September 14, 2020 9:27 PM  
**To:** Schaefer, Joy  
**Subject:** Legislative Consideration

Joy,

On behalf of the Veterans Advisory Council, I am sending forth the following for County Executive Gardner's consideration:

County Executive Gardner, several bills were introduced in the last Maryland General Assembly session that would provide Maryland income tax modification for military Veterans. These bills include HB 0361/SB0279, HB 0371, and HB 1110. These bills all expand the existing military retirement income tax subtraction modification by increasing the maximum amount of retirement income that can be excluded. Similar bills have been proposed before and are likely to be proposed again based on insights of the Frederick delegation and the Veterans Caucus.

Favorable treatment of retired military income would make Maryland even more attractive to military retirees and spouses. According to the Defense Manpower Data Center (DMDC), 51,700 Maryland military retirees received a total of \$132.8 million in retirement income from the Department of Defense in September 2018. This includes individuals who served in the Army (including the Maryland National Guard), Navy, Marines, and Air Force. On an annualized basis, this retirement income totaled \$1.59 billion. Frederick County, with its robust economy, quality housing stock, and expansive civic organizations, offers particular advantages as a place to settle after military service. It is important to note that both West Virginia and Pennsylvania do not tax military retiree pay.

Therefore, the Veterans Advisory Council requests that the County Executive support the passage of legislation to exempt an increased amount of military retirement income among military retirees/spouses living in Maryland.

Thank you.

Linda R. Bergofsky MSW, MBA, PMP  
Coordinator  
Frederick County Veterans Advisory Council  
401 Sagner Avenue  
Frederick, MD 21701  
301-600-1414  
[LBergofsky@FrederickCountyMD.gov](mailto:LBergofsky@FrederickCountyMD.gov)  
[www.FrederickCountyMD.gov/VAC](http://www.FrederickCountyMD.gov/VAC)